

H.R. 2693, AS AMENDED BY THE SUBCOMMITTEE
ON ENERGY AND ENVIRONMENT
ON JUNE 16, 2009

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Oil Pollution
3 Research Program Act”.

4 **SEC. 2. FEDERAL OIL POLLUTION RESEARCH COMMITTEE.**

5 Title VII of the Oil Pollution Act of 1990 (33 U.S.C.
6 2761) is amended—

7 (1) by redesignating section 7002 as section
8 7008; and

9 (2) by amending section 7001 to read as fol-
10 lows:

11 **“SEC. 7001. FEDERAL OIL POLLUTION RESEARCH COM-**
12 **MITTEE.**

13 **“(a) ESTABLISHMENT.—**

14 **“(1) IN GENERAL.—**The President shall estab-
15 lish an interagency committee to be known as the
16 Federal Oil Pollution Research Committee (in this
17 title referred to as the ‘Committee’).

18 **“(2) CHAIR.—**The Committee shall be chaired
19 by the representative from the National Oceanic and
20 Atmospheric Administration.

1 “(b) COMPOSITION.—The members of the Committee
2 shall include representatives from the National Oceanic
3 and Atmospheric Administration, the United States Coast
4 Guard, the Environmental Protection Agency, and such
5 other Federal agencies as the President may designate.

6 “(c) FUNCTION OF THE COMMITTEE.—The Com-
7 mittee shall—

8 “(1) coordinate a comprehensive Federal oil
9 pollution research program (in this title referred to
10 as the ‘program’) in accordance with section 7002 to
11 coordinate oil pollution research, technology develop-
12 ment, and demonstration among the Federal agen-
13 cies, in cooperation and coordination with industry,
14 institutions of higher education, research institu-
15 tions, State and tribal governments, and other rel-
16 evant stakeholders;

17 “(2) complete a research assessment (in this
18 title referred to as the ‘assessment’) on the status of
19 the oil pollution prevention and response capabilities
20 in accordance with section 7003;

21 “(3) develop a Federal oil pollution research
22 plan (in this title referred to as the ‘plan’) in accord-
23 ance with section 7004; and

24 “(4) publish Web-based information for the
25 purpose of informing the public about the activities

1 of the program, including information on the exist-
2 ing training opportunities for individuals interested
3 in volunteering to participate in incident response.”.

4 **SEC. 3. FEDERAL OIL POLLUTION RESEARCH PROGRAM.**

5 Title VII of such Act (33 U.S.C. 2761) is further
6 amended by inserting after section 7001 (as amended by
7 section 2 of this Act) the following new section:

8 **“SEC. 7002. FEDERAL OIL POLLUTION RESEARCH PRO-**
9 **GRAM.**

10 “(a) IN GENERAL.—The Committee shall establish a
11 program for conducting oil pollution research, develop-
12 ment, and demonstration of technologies, practices, and
13 procedures that provide for effective actions to prevent,
14 detect, recover, or mitigate oil discharges.

15 “(b) PROGRAM ELEMENTS.—The program estab-
16 lished under subsection (a) shall provide for research, de-
17 velopment, and demonstration that includes—

18 “(1) new technologies to detect oil discharges;

19 “(2) models and monitoring capabilities to pre-
20 dict the environmental fate, transport, and effects of
21 oil discharges, including tools that can be used to fa-
22 cilitate effective recovery and containment of oil pol-
23 lution during incident response;

24 “(3) new technologies and methods to improve
25 response capabilities and recovery rates;

1 “(4) research and training, in coordination with
2 the National Response Team, to improve the re-
3 moval of oil discharge quickly and effectively;

4 “(5) decision support systems for contingency
5 planning and response;

6 “(6) mechanical, chemical, and biological meth-
7 ods for the recovery, removal, and disposal of oil, in-
8 cluding evaluation of the environmental effects asso-
9 ciated with the use of these methods;

10 “(7) technologies, methods, and standards for
11 protecting removal personnel and for volunteers that
12 may participate in incident responses, including
13 training, adequate supervision, protective equipment,
14 maximum exposure limits, and decontamination pro-
15 cedures;

16 “(8) improved information systems for decision-
17 making, including the use of coastal mapping data
18 and real-time weather, hydrographic, and other
19 geospatial information;

20 “(9) methods to restore and rehabilitate natural
21 resources damaged by oil discharges;

22 “(10) technologies and methods to prevent, de-
23 tect, recover, and mitigate oil discharges in polar en-
24 vironments; and

1 “(11) technologies and methods to address oil
2 discharges on land and inland waters.

3 “(c) OIL POLLUTION TECHNOLOGY EVALUATION.—

4 “(1) IN GENERAL.—The program shall provide
5 for oil pollution prevention, detection, recovery, re-
6 sponse, and mitigation technology evaluation includ-
7 ing—

8 “(A) the evaluation and testing of tech-
9 nologies developed independently of the research
10 and development program established under
11 this section;

12 “(B) the establishment, where appropriate,
13 of standards and testing protocols traceable to
14 national standards to measure the performance
15 of oil discharge technologies; and

16 “(C) the use, where appropriate, of con-
17 trolled field testing to evaluate the real-world
18 application of oil discharge technologies.

19 “(2) GUIDANCE.—The National Institute of
20 Standards and Technology shall provide the Com-
21 mittee with advice and guidance on issues relating to
22 quality assurance and standards measurements re-
23 lating to activities under this Act.”.

1 **SEC. 4. FEDERAL RESEARCH ASSESSMENT.**

2 Title VII of such Act (33 U.S.C. 2761) is further
3 amended by inserting after section 7002 (as added by sec-
4 tion 3 of this Act) the following new section:

5 **“SEC. 7003. FEDERAL RESEARCH ASSESSMENT.**

6 “(a) IN GENERAL.—Not later than 1 year after the
7 date of enactment of this section, the Committee shall sub-
8 mit to Congress an assessment of the status of oil pollu-
9 tion prevention and response capabilities and the research
10 activities directed to improving those capabilities.

11 “(b) CONTENTS.—The assessment shall—

12 “(1) identify emerging technologies with poten-
13 tial to improve those capabilities and barriers to
14 their utilization by Federal response teams;

15 “(2) assess the effectiveness of current tech-
16 nologies available to address oil pollution prevention,
17 detection, recovery, response, and mitigation;

18 “(3) assess and compare the oil pollution pre-
19 vention, detection, recovery, response, and mitigation
20 capabilities in different regions;

21 “(4) assess oil pollution prevention and re-
22 sponse capabilities for addressing oil discharges on
23 land and inland waters;

24 “(5) assess the status of real-time information
25 available to mariners, researchers, and responders

1 and its utility for preventing, detecting, recovering,
2 responding to, or mitigating oil discharges;

3 “(6) assess the economic incentives and barriers
4 to the development of new technologies to address
5 prevention, detection, recovery, and mitigation of oil
6 discharges;

7 “(7) assess the status of the deployment, dur-
8 ing the previous 5-year period, to State and local oil
9 pollution response agencies of oil pollution preven-
10 tion, response, and mitigation technologies and tech-
11 niques resulting from research and development; and

12 “(8) address comments received in the public
13 comment period and incorporate comments as appro-
14 priate.

15 “(c) PUBLIC COMMENT.—The assessment shall be
16 published in the Federal Register and subject to a public
17 comment period of at least 30 days.”.

18 **SEC. 5. FEDERAL RESEARCH INTERAGENCY PLAN.**

19 Title VII of such Act (33 U.S.C. 2761) is further
20 amended by inserting after section 7003 (as added by sec-
21 tion 4 of this Act) the following new section:

22 **“SEC. 7004. FEDERAL RESEARCH INTERAGENCY PLAN.**

23 **“(a) IN GENERAL.—**

24 **“(1) PLAN.—**Not later than 1 year after the
25 submission of the assessment required under section

1 7003, the Committee shall submit to Congress the
2 plan that shall establish the priorities for Federal oil
3 pollution research and development.

4 “(2) RECOMMENDATIONS.—In the development
5 of the plan, the Committee shall consider and utilize
6 recommendations by the National Academy of
7 Sciences and information from State, local, and trib-
8 al governments.

9 “(b) PLAN REQUIREMENTS.—The plan shall in-
10 clude—

11 “(1) research to improve the rates of oil recov-
12 ery;

13 “(2) research, development, and demonstration
14 to improve technologies, practices, and procedures to
15 provide for effective and direct response to oil dis-
16 charges;

17 “(3) research, development, and demonstration
18 to improve the accessibility and utility of real-time
19 information available to mariners, researchers, and
20 responders;

21 “(4) research, development, and demonstration
22 to address oil discharges on land and inland waters;

23 “(5) recommendations to improve the deploy-
24 ment of oil pollution prevention, response, and miti-

1 gation technologies to State and local oil pollution
2 response agencies; and

3 “(6) a summary of the comments received in
4 the public comment period and incorporation of com-
5 ments, as appropriate.

6 “(c) PUBLIC COMMENT.—The plan shall be published
7 in the Federal Register and subject to a public comment
8 period of at least 30 days.”.

9 **SEC. 6. GRANTS.**

10 Title VII of such Act (33 U.S.C. 2761) is further
11 amended by inserting after section 7004 (as added by sec-
12 tion 5 of this Act) the following new section:

13 **“SEC. 7005. GRANTS.**

14 “In carrying out the program under section 7002, the
15 agencies represented on the Committee may enter into
16 contracts and cooperative agreements and award grants
17 to institutions of higher education or nongovernmental re-
18 search organizations. Such contracts, cooperative agree-
19 ments, and grants shall address research, development,
20 and demonstration priorities set forth in the plan under
21 section 7004.”.

22 **SEC. 7. ANNUAL REPORT.**

23 Title VII of such Act (33 U.S.C. 2761) is further
24 amended by inserting after section 7005 (as added by sec-
25 tion 6 of this Act) the following new section:

1 **“SEC. 7006. ANNUAL REPORT.**

2 “Concurrent with the annual submission of the Presi-
3 dent’s budget to Congress, the Committee shall submit an
4 annual report to Congress that describes the activities and
5 results of the program during the previous fiscal year and
6 outlines the objectives for the next fiscal year.”.

7 **SEC. 8. NATIONAL ACADEMY OF SCIENCES PARTICIPATION.**

8 Title VII of such Act (33 U.S.C. 2761) is further
9 amended by inserting after section 7006 (as added by sec-
10 tion 7 of this Act) the following new section:

11 **“SEC. 7007. NATIONAL ACADEMY OF SCIENCES EVALUA-**
12 **TION.**

13 “(a) IN GENERAL.—The Secretary of Commerce, act-
14 ing through the Administrator of the National Oceanic
15 and Atmospheric Administration, shall enter into a con-
16 tract with the National Academy of Sciences to evaluate
17 the Federal oil pollution research and development pro-
18 gram and to identify priority areas of needed research and
19 technology development to improve capabilities to prevent,
20 detect, recover, and mitigate oil discharges.

21 “(b) REPORT.—Within 1 year after the date of enact-
22 ment of this section, the National Academy of Sciences
23 shall submit to Congress and to the Committee a report
24 on the results of the evaluation carried out under sub-
25 section (a) and their recommendations.”.

1 **SEC. 9. CONFORMING CHANGES.**

2 Section 2 of such Act is amended by striking the
3 items in the table of contents related to sections 7001 and
4 7002 and inserting the following:

“Sec. 7001. Federal oil pollution research committee.

“Sec. 7002. Federal oil pollution research program.

“Sec. 7003. Federal research assessment.

“Sec. 7004. Federal research interagency plan.

“Sec. 7005. Grants.

“Sec. 7006. Annual report.

“Sec. 7007. National Academy of Sciences evaluation.

“Sec. 7008. Submerged oil program.”.

5 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-
7 ISTRATION.—Of the amount authorized in section 1012
8 (a)(5) of such Act (33 U.S.C. 2712(a)(5)), there are au-
9 thorized to be appropriated to the Administrator of the
10 National Oceanic and Atmospheric Administration to
11 carry out this Act \$2,000,000 for each of fiscal years 2010
12 through 2014.

13 (b) ENVIRONMENTAL PROTECTION AGENCY.—Of the
14 amount authorized in section 1012 (a)(5) of such Act (33
15 U.S.C. 2712(a)(5)), there are authorized to be appro-
16 priated to the Administrator of the Environmental Protec-
17 tion Agency to carry out this Act \$2,000,000 for each of
18 fiscal years 2010 through 2014.



AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2693
OFFERED BY _____

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Oil Pollution Research
3 and Development Program Reauthorization Act of 2010”.

4 SEC. 2. FEDERAL OIL POLLUTION RESEARCH COMMITTEE.

5 (a) PURPOSES.—Section 7001(a)(2) of the Oil Pollu-
6 tion Act of 1990 (33 U.S.C. 2761(a)(2)) is amended by
7 striking “State” and inserting “State and tribal”.

8 (b) MEMBERSHIP.—Section 7001(a)(3) of such Act
9 (33 U.S.C. 2761(a)(3)) is amended to read as follows:

10 “(3) STRUCTURE.—

11 “(A) MEMBERS.—The Interagency Com-
12 mittee shall consist of representatives from the
13 following:

14 “(i) The Coast Guard.

15 “(ii) The Department of Commerce,
16 including the National Oceanic and Atmos-
17 pheric Administration.

18 “(iii) The Department of the Interior.

1 “(iv) The Environmental Protection
2 Agency.

3 “(B) COLLABORATING AGENCIES.—The
4 Interagency Committee shall collaborate with
5 the following:

6 “(i) The National Institute of Stand-
7 ards and Technology.

8 “(ii) The Department of Energy.

9 “(iii) The Department of Transpor-
10 tation, including the Maritime Administra-
11 tion and the Pipeline and Hazardous Mate-
12 rials Safety Administration.

13 “(iv) The Department of Defense, in-
14 cluding the Army Corps of Engineers and
15 the Navy.

16 “(v) The Department of Homeland
17 Security, including the United States Fire
18 Administration in the Federal Emergency
19 Management Agency.

20 “(vi) The National Aeronautics and
21 Space Administration.

22 “(vii) The National Science Founda-
23 tion.

24 “(viii) Other Federal agencies, as ap-
25 propriate.”.

1 (c) ROLE OF THE CHAIR.—Section 7001(a)(4) of
2 such Act (33. U.S.C. 2761(a)(4)) is amended to read as
3 follows:

4 “(4) CHAIR.—

5 “(A) IN GENERAL.—A representative of
6 the Coast Guard shall serve as Chair.

7 “(B) ROLE OF CHAIR.—The primary role
8 of the Chair shall be to ensure that—

9 “(i) the activities of the Interagency
10 Committee and the agencies listed in para-
11 graph (3)(B) are coordinated;

12 “(ii) the implementation plans re-
13 quired under subsection (b)(1) are com-
14 pleted and submitted;

15 “(iii) the annual reports required
16 under subsection (e) are completed and
17 submitted;

18 “(iv) the Interagency Committee
19 meets in accordance with the requirements
20 of paragraph (5); and

21 “(v) the Oil Pollution Research Advi-
22 sory Committee under subsection (f) is es-
23 tablished and utilized.”.

1 (d) ACTIVITIES.—Section 7001(a) of such Act (33
2 U.S.C. 2761(a)) is amended by adding at the end the fol-
3 lowing:

4 “(5) ACTIVITIES.—

5 “(A) ONGOING, COORDINATED EFFORTS.—

6 The Interagency Committee shall ensure that
7 the research, development, and demonstration
8 efforts authorized by this section are coordi-
9 nated and conducted on an ongoing basis.

10 “(B) MEETINGS.—

11 “(i) IN GENERAL.—The Interagency
12 Committee shall meet, or otherwise com-
13 municate, as appropriate, to—

14 “(I) plan program-related activi-
15 ties; and

16 “(II) determine whether the pro-
17 gram is resulting in the development
18 of new or improved methods and tech-
19 nologies to prevent, detect, respond to,
20 and mitigate oil pollution.

21 “(ii) FREQUENCY.—In no event shall
22 the Interagency Committee meet less than
23 once per year.

24 “(C) INFORMATION EXCHANGE.—The
25 Interagency Committee, acting through the Ad-

1 ministrator of the National Oceanic and Atmos-
2 pheric Administration, shall develop a national
3 information clearinghouse on oil pollution
4 that—

5 “(i) includes scientific information
6 and research on preparedness, response,
7 and restoration; and

8 “(ii) serves as a single electronic ac-
9 cess and input point for Federal agencies,
10 emergency responders, the research com-
11 munity, and other interested parties for
12 such information.”.

13 **SEC. 3. OIL POLLUTION RESEARCH AND TECHNOLOGY**
14 **PLAN.**

15 (a) IMPLEMENTATION PLAN.—Section 7001(b)(1) of
16 such Act (33 U.S.C. 2761(b)(1)) is amended—

17 (1) by striking “180 days after the date of en-
18 actment of this Act” and inserting “180 days after
19 the date of enactment of the Oil Pollution Research
20 and Development Program Reauthorization Act of
21 2010 and periodically thereafter, as appropriate, but
22 not less than once every 5 years,”;

23 (2) by striking subparagraph (A) and inserting
24 the following:

1 “(A) identify the roles and responsibilities
2 of each member agency of the Interagency
3 Committee under subsection (a)(3)(A) and each
4 of the collaborating agencies under subsection
5 (a)(3)(B);”; and

6 (3) in subparagraph (F) by striking “the
7 States” and inserting “State and tribal govern-
8 ments”.

9 (b) ADVICE AND GUIDANCE.—Section 7001(b)(2) of
10 such Act (33 U.S.C. 2761(b)(2)) is amended to read as
11 follows:

12 “(2) ADVICE AND GUIDANCE.—

13 “(A) IN GENERAL.—The Chair shall solicit
14 advice and guidance in the development of the
15 research plan under paragraph (1) from—

16 “(i) the Oil Pollution Research Advi-
17 sory Committee established under sub-
18 section (f);

19 “(ii) the National Institute of Stand-
20 ards and Technology on issues relating to
21 quality assurance and standards measure-
22 ments; and

23 “(iii) the public in accordance with
24 subparagraph (B).

1 “(B) PUBLIC COMMENT.—Prior to the
2 submission of the research plan to Congress
3 under paragraph (1), the research plan shall be
4 published in the Federal Register and subject
5 to a public comment period of 30 days. The
6 Chair shall review the public comments received
7 and incorporate those comments into the plan,
8 as appropriate.”.

9 (c) REVIEW.—Section 7001(b) of such Act (33
10 U.S.C. 2761(b)) is amended by adding at the end the fol-
11 lowing:

12 “(3) REVIEW.—After the submission of each re-
13 search plan to Congress under paragraph (1), the
14 Chair shall contract with the National Academy of
15 Sciences—

16 “(A) to review the research plan;

17 “(B) to assess the adequacy of the re-
18 search plan; and

19 “(C) to submit a report to Congress on the
20 conclusions of the assessment.

21 “(4) INCORPORATION OF RECOMMENDA-
22 TIONS.—The Chair shall address any recommenda-
23 tions in the review conducted under paragraph (3)
24 and shall incorporate such recommendations into the
25 research plan, as appropriate.”.

1 **SEC. 4. OIL POLLUTION RESEARCH AND DEVELOPMENT**
2 **PROGRAM.**

3 (a) ESTABLISHMENT.—Section 7001(c)(1) of such
4 Act (33 U.S.C. 2761(c)(1)) is amended by striking “re-
5 search and development, as provided in this subsection”
6 and inserting “research, development, and demonstration,
7 as provided in this subsection and subsection (a)(2)”.

8 (b) INNOVATIVE OIL POLLUTION TECHNOLOGY.—
9 Section 7001(c)(2) of such Act (33 U.S.C. 2761(c)(2)) is
10 amended—

11 (1) in the matter before subparagraph (A), by
12 striking “preventing or mitigating” and inserting
13 “preventing, detecting, recovering, or mitigating”;

14 (2) by striking subparagraph (I);

15 (3) by redesignating subparagraph (J) as sub-
16 paragraph (I);

17 (4) by striking the period at the end of sub-
18 paragraph (I) (as so redesignated) and by inserting
19 at the end a semicolon; and

20 (5) by adding at the end the following:

21 “(J) technologies and methods to address
22 oil pollution on land and in inland waters,
23 coastal areas, offshore areas, including deep-
24 water and ultra-deepwater areas, and polar and
25 other icy areas;

1 “(K) modeling and simulation capabilities,
2 including tools and technologies, that can be
3 used to facilitate effective recovery and contain-
4 ment of oil pollution during incident response;
5 and

6 “(L) research conducted by the Environ-
7 mental Protection Agency on the development
8 and approval of technologies with maximum ef-
9 fectiveness, including application and delivery
10 mechanisms, and minimum toxicity to natural
11 resources, the public, and the environment in
12 both the near and long-term.”.

13 (c) OIL POLLUTION TECHNOLOGY EVALUATION.—
14 Section 7001(c)(3) of such Act (33 U.S.C. 2761(c)(3)) is
15 amended to read as follows:

16 “(3) OIL POLLUTION TECHNOLOGY EVALUA-
17 TION.—The program established under this sub-
18 section shall provide for the evaluation of oil pollu-
19 tion prevention and mitigation technologies, includ-
20 ing—

21 “(A) the evaluation of the environmental
22 effects of the use of such technologies;

23 “(B) the evaluation and testing of tech-
24 nologies developed independently of the research

1 and development program established under
2 this subsection;

3 “(C) the establishment, with the advice
4 and guidance of the National Institute of
5 Standards and Technology, of standards and
6 testing protocols traceable to national standards
7 to measure the performance of oil pollution pre-
8 vention or mitigation technologies;

9 “(D) an evaluation of the environmental
10 effects and utility of controlled field testing;
11 and

12 “(E) the use, where appropriate, of con-
13 trolled field testing to evaluate real-world appli-
14 cation of new or improved oil pollution preven-
15 tion, response, recovery, or mitigation tech-
16 nologies.”.

17 (d) OIL POLLUTION EFFECTS RESEARCH.—Section
18 7001(c)(4) of such Act (33 U.S.C. 2761(c)(4)) is amend-
19 ed—

20 (1) by striking subparagraph (A) and inserting
21 the following:

22 “(A) IN GENERAL.—

23 “(i) ESTABLISHMENT.—The Inter-
24 agency Committee, acting through the Ad-
25 ministrator of the National Oceanic and

1 Atmospheric Administration, shall estab-
2 lish a research program to monitor and
3 scientifically evaluate the environmental ef-
4 fects, including long-term effects, of oil
5 pollution.

6 “(ii) SPECIFICATIONS.—Such pro-
7 gram shall include the following elements:

8 “(I) Research on and the devel-
9 opment of effective tools to detect,
10 measure, observe, analyze, monitor,
11 model, and forecast the presence,
12 transport, fate, and effect of oil
13 throughout the environment.

14 “(II) The development of meth-
15 ods, including economic methods, to
16 assess and predict damages to natural
17 resources, including air quality, result-
18 ing from oil discharges.

19 “(III) The identification of types
20 of ecologically sensitive areas at par-
21 ticular risk from oil discharges, such
22 as inland waters, coastal areas, off-
23 shore areas, including deepwater and
24 ultra-deepwater areas, and polar and
25 other icy areas.

1 “(IV) The preparation of sci-
2 entific monitoring and evaluation
3 plans for the areas identified under
4 subclause (III) to be implemented in
5 the event of major oil discharges in
6 such areas.

7 “(V) The collection of environ-
8 mental baseline data in the areas
9 identified under subclause (III) if
10 such data are insufficient.”;

11 (2) in subparagraph (B)—

12 (A) by striking “The Department of Com-
13 merce” and all that follows through “future oil
14 discharges.” and inserting the following:

15 “(B) CONDITIONS.—The Interagency Com-
16 mittee, acting through the Administrator of the
17 National Oceanic and Atmospheric Administra-
18 tion, shall conduct research activities under
19 subparagraph (A) for areas in which—

20 “(i) the amount of oil discharged ex-
21 ceeds 250,000 gallons; and

22 “(ii) a study of the long-term environ-
23 mental effects of the discharge would be of
24 significant scientific value, especially for

1 preventing or responding to future oil dis-
2 charges.”;

3 (B) by striking “ATHOS I, and” and in-
4 serting “ATHOS I;”; and

5 (C) by striking the period at the end and
6 inserting “; Prince William Sound, where oil
7 was discharged by the EXXON VALDEZ; and
8 the Gulf of Mexico, where oil was discharged by
9 the DEEPWATER HORIZON.”; and

10 (3) in subparagraph (C) by striking “Research”
11 and inserting “COORDINATION.—Research”.

12 (e) DEMONSTRATION PROJECTS.—Section
13 7001(c)(6) of such Act (33 U.S.C. 2761(c)(6)) is amend-
14 ed—

15 (1) by striking the first sentence and inserting
16 the following: “The United States Coast Guard, in
17 conjunction with such agencies as the President may
18 designate, shall conduct a total of 2 port oil pollu-
19 tion minimization demonstration projects, 1 with the
20 Ports of Los Angeles and Long Beach, California,
21 and 1 with a port on the Great Lakes, for the pur-
22 pose of developing and demonstrating integrated
23 port oil pollution prevention and cleanup systems
24 that utilize the information and implement the im-
25 proved practices and technologies developed from the

1 research, development, and demonstration program
2 established in this section.”; and

3 (2) in the second sentence by striking “oil spill”
4 and inserting “oil pollution”.

5 (f) REGIONAL RESEARCH PROGRAM.—

6 (1) IN GENERAL.—Section 7001(c)(8) of such
7 Act (33 U.S.C. 2761(c)(8)) is amended—

8 (A) in subparagraph (A)—

9 (i) by striking “program of competi-
10 tive grants” and inserting “program of
11 peer-reviewed, competitive grants”; and

12 (ii) by striking “(1989)” and inserting
13 “(2009)”; and

14 (B) in subparagraph (C) by striking “the
15 entity or entities which” and inserting “at least
16 one entity that”.

17 (2) FUNDING.—Section 7001(c)(9) of such Act
18 (33 U.S.C. 2741(c)(9)) is amended by striking
19 “1991” and all that follows through “shall be avail-
20 able” and inserting “2011, 2012, 2013, 2014, and
21 2015, there are authorized to be appropriated from
22 amounts in the Fund \$12,000,000”.

1 **SEC. 5. INTERNATIONAL COOPERATION.**

2 Section 7001(d) of such Act (33 U.S.C. 2761(d)) is
3 amended by inserting before the period at the end the fol-
4 lowing: “, oil recovery, and cleanup standards”.

5 **SEC. 6. ANNUAL REPORTS.**

6 Section 7001(e) of such Act (33 U.S.C. 2761(e)) is
7 amended to read as follows:

8 “(e) ANNUAL REPORT.—Concurrent with the sub-
9 mission to Congress of the President’s annual budget re-
10 quest in each year after the date of enactment of the Oil
11 Pollution Research and Development Program Reauthor-
12 ization Act of 2010, the Chair of the Interagency Com-
13 mittee shall submit to Congress a report describing the
14 activities—

15 “(1) carried out under this section in the pre-
16 ceding fiscal year;

17 “(2) being carried out under this section in the
18 current fiscal year; and

19 “(3) proposed to be carried out under this sec-
20 tion in the subsequent fiscal year, including an anal-
21 ysis of how these activities will further the purposes
22 of the program authorized by this section.”.

23 **SEC. 7. ADVISORY COMMITTEE.**

24 Section 7001 of such Act (33 U.S.C. 2761) is further
25 amended—

1 (1) by redesignating subsection (f) as sub-
2 section (g); and

3 (2) by inserting after subsection (e) the fol-
4 lowing:

5 “(f) ADVISORY COMMITTEE.—

6 “(1) ESTABLISHMENT.—The Chair shall estab-
7 lish an Oil Pollution Research Advisory Committee
8 (in this subsection referred to as the ‘advisory com-
9 mittee’) consisting of representatives from non-
10 governmental entities.

11 “(2) MEMBERSHIP.—

12 “(A) NUMBER.—The advisory committee
13 shall be composed of at least 25 members.

14 “(B) QUALIFICATIONS.—Each member of
15 the advisory committee shall be qualified by
16 education, training, and experience to evaluate
17 scientific and technical information relevant to
18 the research, development, and demonstration
19 under this section.

20 “(C) CHAIR.—The Chair of the Inter-
21 agency Committee shall designate a chairperson
22 from among the members of the advisory com-
23 mittee.

24 “(D) TERMS OF SERVICE.—

1 “(i) IN GENERAL.—Members shall be
2 appointed for a 3-year term and may serve
3 for not more than 2 terms, except as pro-
4 vided in clause (iii).

5 “(ii) VACANCIES.—Vacancy appoint-
6 ments shall be for the remainder of the un-
7 expired term of the vacancy.

8 “(iii) SPECIAL RULE.—If a member is
9 appointed to fill a vacancy and the remain-
10 der of the unexpired term is less than 1
11 year, the member may subsequently be ap-
12 pointed for 2 full terms.

13 “(E) COMPENSATION AND EXPENSES.—
14 Members of the advisory committee shall not be
15 compensated for service on the advisory com-
16 mittee, but may be allowed travel expenses, in-
17 cluding per diem in lieu of subsistence, in ac-
18 cordance with subchapter I of chapter 57 of
19 title 5, United States Code.

20 “(3) DUTIES.—The advisory committee shall
21 review, advise, and comment on Interagency Com-
22 mittee activities, including the following:

23 “(A) Management and functioning of the
24 Interagency Committee.

1 “(B) Collaboration of the Interagency
2 Committee and the agencies listed in subsection
3 (a)(3)(B).

4 “(C) The research and technology develop-
5 ment of new or improved response capabilities.

6 “(D) The use of cost-effective research
7 mechanisms.

8 “(E) Research, computation, and modeling
9 needs and other resources needed to develop a
10 comprehensive program of oil pollution re-
11 search.

12 “(4) SUBCOMMITTEES.—The advisory com-
13 mittee may establish subcommittees of its members.

14 “(5) MEETINGS.—The advisory committee shall
15 meet at least once per year and at other times at the
16 call of the chairperson.

17 “(6) REPORT.—The advisory committee shall
18 submit biennial reports to the Interagency Com-
19 mittee and Congress on the function, activities, and
20 progress of the Interagency Committee and the pro-
21 grams established under this section.

22 “(7) EXPIRATION.—Section 14 of the Federal
23 Advisory Committee Act (5 U.S.C. App.) shall not
24 apply to the advisory committee.”.

1 **SEC. 8. FUNDING.**

2 (a) IN GENERAL.—Section 7001(g) of such Act, as
3 redesignated by section 7 of this Act, is amended to read
4 as follows:

5 “(g) FUNDING.—

6 “(1) IN GENERAL.—There are authorized to be
7 appropriated from amounts in the Fund not more
8 than \$48,000,000 annually to carry out this section,
9 except for subsection (c)(8).

10 “(2) SPECIFIC ALLOCATIONS.—From the
11 amounts in paragraph (1), there are authorized to
12 be appropriated—

13 “(A) \$16,000,000 to the Administrator of
14 the National Oceanic and Atmospheric Admin-
15 istration annually to carry out this section; and

16 “(B) \$2,000,000 for each of fiscal years
17 2011, 2012, 2013, and 2014 to carry out the
18 activities in subsection (c)(6).”.

19 (b) AUTHORIZATION.—Section 1012(a)(5)(C) of such
20 Act (33 U.S.C. 2712(a)(5)(C)) is amended to read as fol-
21 lows:

22 “(C) not more than \$48,000,000 in each
23 fiscal year shall be available to carry out title
24 VII of this Act; and”.



**AMENDMENT OFFERED BY MS. WOOLSEY OF
CALIFORNIA TO THE AMENDMENT IN THE NA-
TURE OF A SUBSTITUTE**

Page 4, line 20, strike “pollution” and insert “dis-charge”.

Page 5, line 3, strike “pollution” and insert “dis-charge”.

Page 8, line 22, strike “pollution” and insert “dis-charge”.

Page 9, line 4, strike “pollution” and insert “dis-charge”.

Page 10, line 14, strike “pollution” and insert “dis-charge”.

Page 11, line 5, strike “pollution” and insert “dis-charge”.

Page 14, line 4, strike “pollution” and insert “dis-charge”.



**AMENDMENT OFFERED BY Mr. Hall TO THE
AMENDMENT IN THE NATURE OF A SUBSTITUTE**

Page 4, line 19, insert "contain," after "respond to,".

Page 6, after line 5, insert the following new paragraphs, and redesignate the subsequent paragraph accordingly:

- 1 (3) in subparagraph (B) by inserting "contain-
- 2 ment," after "response,";
- 3 (4) in subparagraph (D) by inserting "contain-
- 4 ment," after "response,"; and

Page 8, line 13, insert "containing," after "detecting,".

Page 9, line 19, insert ", containment," after "prevention".

Page 10, line 8, insert ", containment," after "prevention".

Page 10, line 15, insert "containment," after "response,".

AMENDMENT OFFERED BY MR. BAIRD OF WASHINGTON TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Page 6, line 5, strike “and”.

Page 6, after line 5, insert the following new paragraph, and redesignate the subsequent paragraph accordingly:

- 1 (3) by striking “and” at the end of subpara-
2 graph (E);

Page 6, line 8, strike the period and insert “and strike the period at the end and insert ‘; and’; and”.

Page 6, after line 8, insert the following new paragraph:

- 3 (5) by adding at the end the following new sub-
4 paragraph:
5 “(G) identify the information needed to
6 conduct risk assessment and risk analysis re-
7 search to effectively prevent oil discharges, in-
8 cluding information on human factors and deci-
9 sionmaking, and to protect the environment.”.



**AMENDMENT OFFERED BY MR. TONKO OF NEW
YORK AND MR. BAIRD OF WASHINGTON TO
THE AMENDMENT IN THE NATURE OF A SUB-
STITUTE**

Page 6, line 5, strike “and”.

Page 6, after line 5, insert the following new paragraph, and redesignate the subsequent paragraph accordingly:

- 1 (3) by striking “and” at the end of subpara-
2 graph (E);

Page 6, line 8, strike the period and insert “and
strike the period at the end and insert ‘; and’; and”.

Page 6, after line 8, insert the following new paragraph:

- 3 (5) by adding at the end the following new sub-
4 paragraph:
5 “(G) identify a methodology that—
6 “(i) provides for the solicitation, eval-
7 uation, preapproval, funding, and utiliza-
8 tion of technologies and research projects

1 developed by the public and private sector
2 in advance of future oil discharges; and
3 “(ii) where appropriate, ensures that
4 such technologies are readily available for
5 rapid testing and potential deployment and
6 that research projects can be implemented
7 during an incident response.”.



MR. ROHRBACHER
AMENDMENT OFFERED BY _____ TO THE
AMENDMENT IN THE NATURE OF A SUBSTITUTE

Page 6, lines 6 through 8, amend paragraph (3) to read as follows:

1 (3) in subparagraph (F) by striking "the
2 States" through "research needs" and inserting
3 "State and tribal governments, regional oil pollution
4 research needs, including natural seeps and pollution
5 resulting from importing oil from overseas,".



AMENDMENT OFFERED BY Lamar Smith TO THE
AMENDMENT IN THE NATURE OF A SUBSTITUTE

Page 6, after line 22, insert the following new
clause, and redesignate the subsequent clause accord-
ingly:

- 1 (iii) third party standard-setting orga-
- 2 nizations on issues relating to voluntary
- 3 consensus standards; and



**AMENDMENT OFFERED BY Diaz-Balart TO THE
AMENDMENT IN THE NATURE OF A SUBSTITUTE**

Page 9, after line 20, insert the following new subparagraph, and redesignate the subsequent subparagraphs accordingly:

- 1 “(A) the evaluation of the performance and
- 2 effectiveness of such technologies in preventing,
- 3 detecting, containing, recovering, and miti-
- 4 gating oil discharges;



**AMENDMENT OFFERED BY MR. TONKO OF NEW
YORK TO THE AMENDMENT IN THE NATURE
OF A SUBSTITUTE**

Page 10, line 2, insert “, including technologies developed by small businesses” after “under this subsection”.



**AMENDMENT OFFERED BY MR. LIPINSKI OF ILLI-
NOIS TO THE AMENDMENT IN THE NATURE OF
A SUBSTITUTE**

Page 10, after line 16, insert the following new sub-
paragraph:

- 1 “(F) an evaluation of the effectiveness of
- 2 oil pollution prevention technologies based on
- 3 probabilistic risk analyses of the system.



AMENDMENT OFFERED BY Mr. Garamendi TO THE
AMENDMENT IN THE NATURE OF A SUBSTITUTE

Page 11, lines 8 through 13, amend subclause (I) to
read as follows:

- 1 “(I) Research on and the devel-
- 2 opment of effective tools to detect,
- 3 measure, observe, analyze, monitor,
- 4 model, and forecast the presence,
- 5 transport, fate, and effect of an oil
- 6 discharge throughout the environ-
- 7 ment, including tools and models to
- 8 accurately measure and predict the
- 9 flow of oil discharged.”.



**AMENDMENT OFFERED BY MS. EDDIE BERNICE
JOHNSON OF TEXAS TO THE AMENDMENT IN
THE NATURE OF A SUBSTITUTE**

Page 11, line 18, insert “, including in economically disadvantaged communities and areas” after “oil discharges”.



**AMENDMENT OFFERED BY MRS. DAHLKEMPER OF
PENNSYLVANIA AND MR. GRAYSON OF FLOR-
IDA TO THE AMENDMENT IN THE NATURE OF
A SUBSTITUTE**

Page 12, after line 10, insert the following new sub-
clause:

1 “(VI) The use of both onshore
2 and offshore air quality monitoring to
3 study the effects of oil pollution and
4 oil pollution cleanup technologies on
5 air quality; and making the results,
6 health, and safety warnings readily
7 available to the public, including
8 emergency responders, the research
9 community, local residents, and other
10 interested parties.”.



**AMENDMENT OFFERED BY MR. GRAYSON OF
FLORIDA TO THE AMENDMENT IN THE NA-
TURE OF A SUBSTITUTE**

Page 12, after line 10, insert the following new sub-
clause:

1 “(VI) Research on technologies,
2 methods, and standards for protecting
3 removal personnel and for volunteers
4 that may participate in incident re-
5 sponses, including training, adequate
6 supervision, protective equipment,
7 maximum exposure limits, and decon-
8 tamination procedures.”.



**AMENDMENT OFFERED BY MR. HALL OF TEXAS
TO THE AMENDMENT IN THE NATURE OF A
SUBSTITUTE**

Page 14, after line 4, insert the following new subsection:

1 (f) SIMULATED ENVIRONMENTAL TESTING.—Section
2 7001(c)(7) of such Act (33 U.S.C. 2761(c)(7)) is amended
3 by inserting “Oil pollution technology testing and evalua-
4 tions shall be given priority over all other activities per-
5 formed at such Research Center.” after “evaluations.”.



**AMENDMENT OFFERED BY MS. EDDIE BERNICE
JOHNSON OF TEXAS TO THE AMENDMENT IN
THE NATURE OF A SUBSTITUTE**

Page 14, after line 16, insert the following new sub-
paragraph:

1 (C) In carrying out this section, the Inter-
2 agency Committee shall coordinate a program
3 of competitive grants to universities or other re-
4 search institutions, including Minority Serving
5 Institutions as defined under section 371(a) of
6 the Higher Education Act of 1965 (20 U.S.C.
7 1067q(a)), and provide consideration to such
8 institutions in the recommendations for award-
9 ing grants.



**AMENDMENT OFFERED BY MR. BAIRD OF WASH-
INGTON TO THE AMENDMENT IN THE NATURE
OF A SUBSTITUTE**

Page 15, lines 1 through 4, amend section 5 to read
as follows:

1 SEC. 5. INTERNATIONAL COOPERATION.

2 Section 7001(d) of such Act (33 U.S.C. 2761(d)) is
3 amended to read as follows:

4 “(d) INTERNATIONAL COOPERATION.—In accordance
5 with the research plan submitted under subsection (b), the
6 Interagency Committee shall engage in international co-
7 operation by harnessing global expertise through collabo-
8 rative partnerships with foreign governments and research
9 entities, and domestic and foreign private actors, including
10 nongovernmental organizations and private sector compa-
11 nies, and by leveraging public and private capital, tech-
12 nology, expertise, and services towards innovative models
13 that can be instituted to conduct collaborative oil pollution
14 research, development, and demonstration activities, in-
15 cluding controlled field tests of oil discharges, oil recovery,
16 and cleanup standards.”.



**AMENDMENT OFFERED BY _____ TO THE
AMENDMENT IN THE NATURE OF A SUBSTITUTE**

Page 15, lines 8 through 22, amend subsection (e)
to read as follows:

1 “(e) ANNUAL REPORT.—

2 “(1) Concurrent with the submission to Con-
3 gress of the President’s annual budget request in
4 each year after the date of enactment of the Oil Pol-
5 lution Research and Development Program Reau-
6 thorization Act of 2010, the Chairman of the Inter-
7 agency Committee shall submit to Congress a report
8 describing the—

9 “(A) activities carried out under this sec-
10 tion in the preceding fiscal year, including—

11 “(i) a description of major research
12 conducted on oil discharge prevention, de-
13 tection, containment, recovery, and mitiga-
14 tion techniques in all environments by each
15 agency described in subsection (a)(3)(A)
16 and (B); and

17 “(ii) a summary of—

1 “(I) projects in which the agency
2 contributed funding or other re-
3 sources;

4 “(II) major projects undertaken
5 by State and tribal governments, and
6 foreign governments; and

7 “(III) major projects undertaken
8 by the private sector and educational
9 institutions;

10 “(B) activities being carried out under this
11 section in the current fiscal year, including a
12 description of major research and development
13 activities on oil discharge prevention, detection,
14 containment, recovery, and mitigation tech-
15 nologies and techniques in all environments that
16 each agency will conduct or contribute to; and

17 “(C) activities proposed to be carried out
18 under this section in the subsequent fiscal year,
19 including an analysis of how these activities will
20 further the purposes of the program authorized
21 by this section.

22 “(2) If the National Academy of Sciences pro-
23 vides recommendations on the research plan under
24 section 7001(b)(3), the Chairman shall include, in
25 the first annual report under paragraph (1) of this

1 subsection, a description of those recommendations
2 incorporated into the research plan, and a descrip-
3 tion of, and explanation for, any recommendations
4 that are not included in such plan.”.



AMENDMENT OFFERED BY Brown TO THE
AMENDMENT IN THE NATURE OF A SUBSTITUTE

Page 16, strike lines 6 through 23, and insert the following:

1 “(1) ESTABLISHMENT.—Not later than 90 days
2 after the date of enactment of the Oil Pollution Re-
3 search and Development Program Reauthorization
4 Act of 2010, the Chairman of the Interagency Com-
5 mittee shall establish an advisory committee to be
6 known as the Oil Pollution Research Advisory Com-
7 mittee (in this subsection referred to as the ‘advisory
8 committee’).

9 “(2) MEMBERSHIP.—

10 “(A) IN GENERAL.—The advisory com-
11 mittee shall be composed of members appointed
12 by the Chairman, in consultation with the each
13 member agency described in subsection (a)(3),
14 including—

15 “(i) individuals with extensive knowl-
16 edge and research experience or oper-
17 ational knowledge of prevention, detection,
18 response, containment, and mitigation of
19 oil discharges;

1 “(ii) individuals broadly representative
2 of stakeholders affected by oil discharges;
3 and

4 “(iii) other individuals, as determined
5 by the Chairman.

6 “(B) LIMITATIONS.—The Chairman
7 shall—

8 “(i) appoint no more than 25 mem-
9 bers that shall not include representatives
10 of the Federal Government, but may in-
11 clude representatives from State, tribal,
12 and local governments; and

13 “(ii) ensure that no class of individ-
14 uals described in clause (ii) or (iii) of sub-
15 paragraph (A) comprises more than $\frac{1}{3}$ of
16 the membership of the advisory committee.



**AMENDMENT OFFERED BY MR. BAIRD OF WASH-
INGTON TO THE AMENDMENT IN THE NATURE
OF A SUBSTITUTE**

At the end of the bill, add the following new section:

1 SEC. 9. ACCESS TO RESEARCH DURING AN EMERGENCY.

2 Section 7001 of such Act (33 U.S.C. 2761) is amend-
3 ed by adding at the end the following new subsection:

4 “(h) ACCESS TO RESEARCH DURING AN EMER-
5 GENCY.—Any entity that receives Federal funding for re-
6 search, the methodologies or results of which may be use-
7 ful for response activities in the event of an oil discharge
8 incident described in sections 300.300-334 of title 40 of
9 the Code of Federal Regulations, shall, upon request,
10 make the methodologies or results of such research avail-
11 able to the Interagency Committee and the Federal On-
12 Scene Coordinator (as defined in section 311(a)(21) of the
13 Federal Water Pollution Control Act (33 U.S.C.
14 1321(a)(21)), except to the extent that the information
15 is protected from disclosure under section 552(b) of title
16 5, United States Code. Such information shall be for use
17 in response activities in the event of an oil discharge, and

1 shall not be included in information made publicly avail-
2 able pursuant to this Act.”.

